

EXHIBIT A

Judgment and Commitment

STATE OF NORTH CAROLINA

96CRS 1576

RICHMOND

County

ROCKINGHAM

Seat of Court

In The General Court Of Justice
Superior Court Division

NOTE: [This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), which are consolidated for judgment with any felony offense(s). Use AOC-CR-301 on DWI offense(s).]

STATE VERSUS

Defendant

DERRICK JOVAN MCRAE

Race

BLACK

Sex

MALE

DOB

1979

JUDGMENT AND COMMITMENT

ACTIVE PUNISHMENT

FELONY

(STRUCTURED SENTENCING)

G.S. 15A-1301, 15A-1340.13

Attorney For State

SCOTT BREWER

☐ Def. Found
Not Indigent

☐ Def. Waived
Attorney

Attorney For Defendant

GEORGE CRUMP

☒ Appointed ☐ Retained

The defendant ☐ pled guilty to: ☒ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off	Offense Description	Offense Date	G.S. No.	F/M	CL.
96CRS 1576		FIRST DEGREE MURDER	10-14-1995	14-17	F	A

The Court:

PRIOR

☐ I ☐ II ☐ V

- ☐ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be ____ . RECORD LEVEL: ☐ II ☐ IV ☐ VI
- ☒ 2. makes no prior record level finding because none is required for Class A felony, enhanced firearm penalty, violent habitual felon, or drug trafficking offenses.

The Court:

- ☒ 1. makes no written findings because the prison term imposed is: ☐ (a) within the presumptive range of sentences authorized under G.S. 15A-1340.17(c). ☒ (b) for a Class A felony. ☐ (c) for enhanced firearm penalty (G.S. 15A-1340.16A). ☐ (d) for an adjudication as a violent habitual felon. G.S. 14-7.12. ☐ (e) for drug trafficking offenses.
- ☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
- ☐ 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
- ☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
- ☐ 5. adjudges the defendant to be an habitual felon pursuant to Article 2A of G.S. Chapter 14.
- ☐ 6. finds enhanced punishment from a Class 1 misdemeanor to a Class I felony. ☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (race).
- ☐ 7. finds no Extraordinary Mitigation.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of:

months

for a maximum term of:

months

in the custody of:

☒ Class A Felony: ☒ Life Imprisonment Without Parole ☐ Death (see attached Death Warrant and

☒ N.C. DOC.

☐ Sheriff pursuant to G.S. 15A-1352(b).

☐ Other

☐ Class B1 Felony: Life Imprisonment Without Parole

☐ Violent Habitual Felon: Life Imprisonment Without Parole

The defendant shall be given credit for 804 days spent in confinement prior to the date of this Judgment as a result of this charge(s).

- ☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
- ☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

(NOTE: List the case number, date, county and court in which prior sentence imposed.)

(check all that apply)

☐ 1. The defendant shall pay the costs.

☐ 2. The defendant shall pay a fine of \$ _____.

The Court recommends:

☐ 3. Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h). ☐ 4. Psychiatric and/or psychological

☐ 5. Work Release.

☐ 6. Payment as a condition of post release supervision, if applicable, or from work release earnings, if applicable, of the items and amounts set out below.

Fine	Costs	Restitution*	Reimbursement For Attorney Fee & Other Expenses	Total Amount Due
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*Name(s), address(es), amount(s) & social security number(s) of aggrieved party(ies) to receive restitution:

The Court further recommends:

The Court does not recommend:

☐ 1. Restitution as a condition of post release supervision or work release. ☒ 2. Work release.

AWARD OF FEE TO COUNSEL FOR DEFENDANT

☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APPEAL ENTRIES

☒ It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

☐ The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
05-14-1998	SANFORD STEELMAN	

ORDER OF COMMITMENT AFTER APPEAL

Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified
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It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case.

- ☒ Appeal Entries (AOC-CR-350)
☐ Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)
☐ Judicial Findings As To Forfeiture Of Licensing Privileges (AOC-CR-317)
☐ Commitment Information Statement (DC-600)

Date	Signature And Seal
05-14-1998	
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Superior Clerk of Court
05-14-1998	

AOC-CR-601, Side Two
New 10/94

Material opposite unmarked squares is to be disregarded as surplusage.